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DATE: April 26, 2002

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TO EXAMINER: A. M. DeCloux

ART UNIT: 1644

SERIAL NUMBER: 09/715,891

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICECERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT and the documents referred to as enclosed therein are being delivered by FACSIMILE TRANSMISSION under the Fax Response Pilot for Written Restriction Requirements to 703-308-4315 on the date indicated below by addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Nancy Barker

Nancy Barker

4/26/02

Date of Deposit

Applicant: Webb, et al.)
Serial No.: 09/715,891) Group Art Unit: 1644
Filed: November 17, 2000) Examiner: A. M. DeCloux
Title: MHC CLASS II ANTIGEN PRESENTING SYSTEMS AND METHODS FOR ACTIVATING CD4 ⁺ T CELLS) Our Ref.: TSRI 536.1 Div 2

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Restriction Requirement mailed March 26, 2002 (Paper No. 7), within the one month non-extension period, thus the response is a timely filing.

The Examiner has indicated in the Action that pending claims 61-84 and 114-148 comprise six groups of inventions for purposes of examination. The Examiner further indicated that specific species must also be elected to which the claims would be restricted in the event that a generic claim is not allowable. The response must also identify the claims readable on the elected species, including any claims subsequently added.

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Applicants hereby elect Group I which includes claims 61-82. Please cancel claims 83, 84, and 114-148. The cancellation is without prejudice to Applicants' right to pursue the claimed subject matter in a timely-filed continuation application. The cancellation is expressly not to be construed as an abandonment of the subject matter.

Applicants hereby elect, with traverse, the species listed below if no generic claim is finally held to be allowable. The Action also requests that Applicants identify those claims that read on the species elected under paragraph 3. They are provided in parentheses.

- 1) human α -chain gene as recited in claim 64 and preferably HLA-DP as recited in the specification for a specific MHC Class II α -chain gene recited in the Action at paragraph 3, part I, (readable on claims 61-81);
- 2) human β -chain gene as recited in claim 64 and preferably HLA-DP as recited in the specification for a specific MHC Class II β -chain gene recited in the Action at paragraph 3, part II, (readable on claims 61-81);
- 3) the combination of a costimulatory molecule as recited in claim 71 and an adhesion molecule as recited in claim 73 for a specific combination of specific accessory molecules recited in the Action at paragraph 3, part III, (readable on claims 61-74, 77-78, and 81);
- 4) B7.1 as recited in claim 72 for a specific costimulatory molecule recited in the Action at paragraph 3, part IIIa), (readable on claims 61-72, 77-78, and 81);
- 5) I-CAM as recited in claim 74 for a specific adhesion molecule recited in the Action at paragraph 3, part IIIb) (readable on claims 61-70, 73-74, 77-78, and 81);
- 6) an insect cell as recited in claim 68 for a specific cell recited in the Action at paragraph 3, part IV, (readable on claims 61-81); and
- 7) Drosophila as recited in claim 69 for insect cell recited in the Action at paragraph 3, part IVa), (readable on claims 61-81).

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Applicants traverse the restriction of the above species recited in paragraph 3 of the Action on the basis that the generic claims, including those now canceled in the present response, recite a multiplicity of species that do not require an unduly extensive and burdensome search. All the generic claims recite as a common element the synthetic antigen presenting cell. A search of the prior art with the synthetic antigen presenting cell as specified in the context of the present invention generically will result in a compilation of all the elements of the matrix without undue burden.

Applicants request entry of the above-identified response to the Restriction Requirement.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments regarding the subject application to our Deposit Account No. 19-0962.

Respectfully submitted,

April 26, 2002
Date

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